



Legislation Text

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City of Powder Springs Proposed Amendment

Article 9, Soil Erosion and Sedimentation Control

Section 9-24 Permits

Sec. 9-24. Permits.

Permits shall be issued or denied as soon as practicable but in any event not later than 45 calendar days after receipt by the ~~local issuing authority~~ City of Powder Springs of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(a) **Permit requires plan approval.** No permit shall be issued by the ~~local issuing authority~~ City of Powder Springs unless the erosion, sedimentation and pollution control plan has been approved by the ~~district and the local issuing authority has affirmatively determined that the plan is~~ City of Powder is in compliance with this article, any variances required are obtained, bonding requirements, if necessary, are met and all additional ordinances and rules and regulations in effect within the jurisdictional boundaries of the ~~local issuing authority~~ City of Powder Springs are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(b) **Land disturbance consistent with this article.** Any land-disturbing activities by a ~~local issuing authority~~ The City of Powder Springs shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons, and the division shall enforce such requirements upon the ~~local issuing authority~~ City of Powder Springs.

(c) **Phasing.** If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(d) **Suspension, revocation, or modification of permit.** The permit may be suspended, revoked, or modified by the ~~local issuing authority~~ City of Powder Springs, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

PROPOSED TEXT

Sec. 9-24. Permits.

Permits shall be issued or denied as soon as practicable but in any event not later than 45 calendar days after receipt by the City of Powder Springs of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(a) **Permit requires plan approval.** No permit shall be issued by the City of Powder Springs unless the erosion, sedimentation and pollution control plan has been approved by the City of Powder is in compliance with this article, any variances required are obtained, bonding requirements, if necessary, are met and all additional ordinances and rules and regulations in effect within the jurisdictional boundaries of the City of Powder Springs are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(b) **Land disturbance consistent with this article.** Any land-disturbing activities by The City of Powder Springs shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons, and the division shall enforce such requirements upon the City of Powder Springs.

(c) **Phasing.** If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(d) **Suspension, revocation, or modification of permit.** The permit may be suspended, revoked, or modified by the City of Powder Springs, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(e) **Rejection for prior violations.** The City of Powder Springs may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

City of Powder Springs Proposed Amendment

Article 2, Section 2-15, Article 4, Section 4-120

Sec. 2-1, Table 2-1, Table 2-2

Sec. 2-1. Zoning Districts Established. The following zoning districts are hereby established:

R-30, Single-Family Residential District
R-20, Single-Family Residential District
R-15, Single-Family Residential District
MDR, Medium Density Residential District
RSL, Residential Senior Living
MXU, Mixed-Use District
O-I, Office-Institutional District
NRC, Neighborhood Retail Commercial District
CRC, Community Retail Commercial District
CBD, Central Business District
LI, Light Industrial District
BP, Business Park District
HI, Heavy Industrial District

**Table 2-1
Permitted and Special Uses by Residential Zoning District**

Use	See Also Sec.	R-30	R-20	R-15	MDR	RSL*
ACCESSORY USES						
Accessory uses and structures not otherwise listed in this table, determined by the community development director to be normally incidental to one or more permitted principal uses	Sec. 4-05	P	P	P	P	<u>P</u>
Accessory apartment, attached	Sec. 4-10	S	S	S	S	<u>X</u>
Accessory apartment, detached	Sec. 4-10	S	S	S	S	<u>X</u>
Carport or garage		P	P	P	P	<u>P</u>
Construction field office	Sec. 4-210	P	P	P	P	<u>P</u>
Fallout shelter		P	P	P	P	<u>P</u>
Family day care home	Sec. 4-110	P	P	P	P	<u>X</u>
Fence	Sec. 4-135	See Table 4.1				
Greenhouse, private		P	P	P	P	<u>X</u>
Guest house	Sec. 4-160	P	P	P	P	<u>X</u>
Home occupation	Sec. 4-170	P	P	P	P	<u>P</u>
Intermodal container, temporary	Sec. 4-180	P	P	P	P	<u>P</u>
Junk	Sec. 4-185	X	X	X	X	<u>X</u>
Model home or subdivision sales office, temporary	Sec. 4-285	P	P	P	P	<u>P</u>
Parking space, parking lot accessory to one or more permitted uses	Sec. 4-235	P	P	P	P	<u>P</u>
Parking of commercial vehicle or semi-trailer	Sec. 4-270	X	X	X	X	<u>X</u>
Recreation facility, private (tennis court, swimming pool)	Sec. 4-295	P	P	P	P	<u>P</u>
Roadside stand		S	X	X	X	<u>X</u>
Solar energy system, building mounted	Sec. 4-275	P	P	P	P	<u>P</u>
Solar energy system, ground mounted	Sec. 4-280	S	S	S	S	<u>S</u>
Tower, amateur radio	Sec. 4-435	P	P	P	P	<u>P</u>
Utility substation		P	P	P	P	<u>P</u>
Yard or garage sale	Sec. 4-335	P	P	P	P	<u>P</u>

AGRICULTURAL USES	See Also Sec.	R-30	R-20	R-15	MDR	<u>RSL</u>
Livestock and animal quarters	Sec. 4-200	S	X	X	X	<u>X</u>
Poultry	Sec. 4-200 (d)	P	P	P	P	<u>X</u>
Production of crops	Sec. 4-15	P	P	P	P	<u>X</u>
Timbering and forestry	Sec. 4-15	P	P	P	P	<u>P</u>
Agriculture, agricultural facility, or agricultural operation not otherwise specifically indicated in this table		S	S	X	X	<u>X</u>
RESIDENTIAL USES	See Also Sec.	R-30	R-20	R-15	MDR	<u>RSL</u>
Boarding house		X	X	X	X	<u>X</u>
Conservation subdivision	Art.15 Div. 9	P	P	P	P	<u>P</u>
Dwelling, detached single-family	Sec. 4-130	P	P	P	P	<u>*</u>
Dwelling, two-family (duplex)	Sec. 4-125	X	X	X	P	<u>*</u>
Dwelling, attached single-family (fee simple or condo)	Sec. 4-120	X	X	X	P	<u>*</u>
Dwelling, multiple-family		X	X	X	P	<u>*</u>
Group home		X	X	X	S	<u>X</u>
Live-work unit		X	X	X	S	<u>X</u>
Loft		X	X	X	P	<u>X</u>
Manufactured home	Sec. 4-205	X	X	X	X	<u>X</u>
Modular home (see def. industrialized building)		P	P	P	P	<u>*</u>
Model home or subdivision sales office, temporary	Sec. 4-285	P	P	P	P	<u>P</u>
Relocated residential structure		S	S	S	S	<u>*</u>
INSTITUTIONAL USES		R-30	R-20	R-15	MDR	<u>RSL</u>
Church, temple, synagogue, or place of worship	Sec. 4-70	S	S	S	S	<u>X</u>
Club or lodge, nonprofit (civic, fraternal, social)	Sec. 4-75	S	S	S	S	<u>X</u>
Continuing care retirement community		X	X	X	S	<u>P</u>
Use	See Also Sec.	R-30	R-20	R-15	MDR	<u>RSL</u>
Institutionalized residential living and care facilities, serving less than 15 persons	Sec. 4-175	X	X	X	X	<u>X</u>
Institutionalized residential living and care facilities, serving 15 or more persons	Sec. 4-175	X	X	X	X	<u>X</u>
Public use		P	P	P	P	<u>P</u>
School, private elementary, middle, or high	Sec. 4-260	S	S	S	S	<u>X</u>
RECREATIONAL USES		R-30	R-20	R-15	MDR	<u>RSL</u>
Common area		P	P	P	P	<u>P</u>
Community recreation	Sec. 4-100	P	P	P	P	<u>P</u>
Conservation area		P	P	P	P	<u>P</u>
Golf course as part of residential subdivision		S	S	S	S	<u>P</u>

***Table used as a guide for RSL zoning. See Section 2-15 and approved zoning stipulations for permitted uses.**

Table 2-2
Dimensional Requirements for Residential Zoning Districts
 NP = Not Permitted NA = Not Applicable

MINIMUM LOT SIZE AND MAXIMUM DENSITY BY USE	R-30	R-20	R-15	MDR	RSL
Minimum lot size, detached single-family dwelling lot (square feet)	30,000	20,000	15,000	11,000	<u>4,800</u>
Minimum lot size, two-family dwelling lot (square feet)	NP	NP	NP	22,000	*
Minimum lot size, fee simple townhouse lot	NP	NP	NP	2,000	*
Minimum lot size, lot for any other permitted use not otherwise specified in this table (square feet)	30,000	20,000	15,000	11,000	*
Maximum residential density, detached single-family dwelling (dwelling units per acre)	1.2	1.75	2.3	3.2	<u>5.0</u>
Maximum residential density, permitted multiple-family dwelling types (dwelling units per acre)	NP	NP	NP	5.0	<u>5.0</u>
Maximum residential density, multiple-family dwelling types with special use approval (dwelling units per acre)	NP	NP	NP	8.0	<u>8.0</u>
MINIMUM LOT WIDTH AT FRONT SETBACK					
Minimum lot width, all uses except as noted (feet)	100	90	75	60	<u>40</u>
Minimum lot width, fee simple townhouse lot (feet)	NP	NP	NP	20	<u>28</u>
Minimum lot width, fee simple townhouse lot at end of building (feet)	NP	NP	NP	30	<u>28</u>
MINIMUM LOT FRONTAGE ON STREET					
Minimum lot frontage on street, except cul-de-sac lot, all uses (feet)	100	90	75	60	*
Minimum lot frontage on street, cul-de-sac lot, all uses (feet)	50	45	40	35	*
BUILDING AND SITE REQUIREMENTS					
Maximum impervious surface coverage of a lot, detached single-family dwelling (percent)	25%	30%	35%	40%	*
Maximum impervious surface coverage of a lot, permitted uses other than detached single-family dwelling (percent)	35%	40%	45%	50%	*
BUILDING HEIGHT REQUIREMENTS					
Maximum building height (feet)	35	35	35	35	<u>35</u>
Maximum building height (number of stories)	2	2	2	2	<u>2</u>
SETBACKS FOR PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES LARGER THAN 144 SQUARE FEET IN FLOOR AREA					
Front (feet)	45	35	35	35	*
Side (feet)	12	10	10	10	*
Rear (feet)	40	35	30	20	*

ACCESSORY BUILDINGS OF 144 SQUARE FEET OR LESS IN FLOOR AREA AND ACCESSORY STRUCTURES					
Front (feet)	NP	NP	NP	NP	<u>NP</u>
Side (feet)	5	5	5	5	<u>5</u>
Rear (feet)	5	5	5	5	<u>5</u>
SPECIAL SETBACKS, BUFFERS, AND LANDSCAPE STRIPS					
Minimum principal or accessory building setback abutting any R-30, R-20, or R-15 zoning district (feet)	NA	NA	NA	35	*
	R-30	R-20	R-15	MDR	
Minimum buffer width abutting any R-30, R-20, or R-15 zoning district (feet)	NA	NA	NA	25	*
Minimum landscape strip required along right-of-ways for any non-single-family residential use (width in feet)	10	10	10	10	*
MINIMUM HEATED FLOOR AREA REQUIREMENTS					
Detached, single-family dwelling unit (square feet)	2,000	1,800	1,600	1,400	<u>1,100</u>
Fee simple townhouse unit or unit in a two-family dwelling	NP	NP	NP	1,200	<u>1,000</u>
Multi-family dwelling unit, efficiency	NP	NP	NP	600	<u>NP</u>
Multi-family dwelling unit, one bedroom	NP	NP	NP	750	<u>1,000</u>
Multi-family dwelling unit, two bedroom	NP	NP	NP	1,050	<u>1,200</u>
Multi-family dwelling unit, three bedroom	NP	NP	NP	1,200	<u>1,400</u>

* As established as part of the zoning approval for the development and/or Section 2-15 of the Unified Development Code

Sec. 2-15. RSL Residential Senior Living

- a. Purpose and Intent. The Residential Senior Living (RSL) is intended for single family detached, cottage style attached and/or multifamily residential uses of a medium density on land served by a sanitary sewage system. RSL is designed to serve the housing needs of senior residents who are 55 years of age and older. RSL is appropriate in the Community Activity Center and Neighborhood Activity Centers of the Future Development Map of the City of Powder Springs Comprehensive Plan and along arterial roadways.
- b. Permitted Uses. Within the RSL Zoning District, the following uses are permitted:
 - 1. Single-family detached dwellings with a minimum of 1,100 square feet of heated area required.
 - 2. Attached cottage dwellings with a minimum of 1,000 square feet of heated area required.
 - 3. Retirement Community (Independent Living) of three or more units, including but not limited to apartment buildings with the following amount of heated area:
 - a. One bedroom units, 1,000 square feet;
 - b. Two bedroom units, 1,200 square feet;

c. Three bedroom units, 1,400 square feet.

c. Lot Size, Area, and Setback Requirements:

1. Single family detached dwellings

a. Minimum tract size: 5 acres

b. Maximum density: Five (5) units per acre

c. Minimum lot size: 4,800 square feet

d. Minimum lot width at building line: 40 feet

e. Minimum front yard setback: 5 feet, except front-facing garages shall be setback a minimum of 15 feet, with a minimum driveway length unobstructed by the sidewalk of 22 feet.

f. Minimum side yard setback: 5 feet

g. Minimum rear yard setback: 25 feet

h. Maximum building height: 2 stories

2. Attached cottage dwellings

a. Minimum tract size: 5 acres

b. Maximum density: Five (5) units per acre

c. Minimum public road frontage: 50 feet or 50 foot access easement to public road

d. Minimum lot area: No minimum

e. Minimum lot size: No minimum

f. Minimum unit width: 28 feet

g. Internal yard requirements: A 20-foot grassed or landscape strip shall be located between all buildings and a 10-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.

h. Overall front setback: 20 feet

i. Overall side setback: 20 feet

j. Overall rear setback: 25 feet

k. Maximum building height: 2 stories

3. Retirement Community (Independent Living)

a. Minimum tract size: 15 acres

b. Maximum density: Five (5) units per acre

c. Minimum public road frontage: 50 feet or 50 foot access easement to public road

d. Minimum lot width at building line: 125 feet

e. Overall front yard setback: 35 feet

f. Overall side yard setback: 25 feet

g. Overall rear yard setback: 25 feet

h. Maximum building height: 3 stories

d. Architectural and Landscape Standards

1. All single family detached and attached cottage dwellings shall contain a master bedroom and bath on the main floor. Second story living square footage may not exceed 50% of the main level heated square footage.
2. All single family detached and attached cottage dwellings shall contain an attached garage. A minimum of two parking spaces per unit is required. The parking spaces must be in the driveway or the garage. All dwellings must have a double-car garage.
3. All dwellings shall incorporate the following accessibility standards:
 - a. Step free easy access to the dwelling unit.
 - b. Easy passage feature requiring clear passage doorways 32 inches wide for easy passage to all living spaces throughout the dwelling.
 - c. Easy step free access to the bedroom, bathroom, kitchen and gathering area on the main floor.
4. Buildings shall be constructed of traditional design with brick, stone or fiber cement siding, shakes or shingles on the exterior. Vinyl accessories and trim are allowed. Vinyl siding is not permitted.
5. All grassed areas shall be sodded; excluding natural and landscaped areas unless otherwise specified.
6. In single family detached and attached cottage dwelling developments at least one 2-inch caliper street tree shall be planted along the road frontage per lot.

7. Projects must incorporate an area designated as common space or recreational space.
 8. Structure over two stories are required to have elevators.
- e. Public Improvement Standards
1. Single family detached and attached cottage dwellings
 - a. All streets should be designed to general layout requirements for local streets as defined in the Development Regulations.
 - b. Streetlights shall be provided on all streets
 - c. Sidewalks shall be provided on at least one side of each street
 - d. Utilities shall be placed underground
 - e. Water and sewer utilities shall be located in street rights-of-ways or easements located at the outer edge of street right-of-way
 2. Retirement Community (Independent Living)
 - a. Streetlights shall be provided
 - b. Sidewalks on at least one side of each residential street and entrance drive shall be provided
 - c. Utilities shall be placed underground
 - d. All internal water and sanitary sewer systems shall be privately maintained with a Master Meter located on County right-of-way near the entrance to the development
- f. Mandatory Homeowner's Association for single family and cottage attached developments. The RSL District shall require a mandatory homeowners association. The association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b) (2) (c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which at a minimum shall regulate and control the following:
1. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older
 2. Restrictions on single-family detached and attached cottage residential use only and leasing of units. No more than 10 percent of the total units may be leased by individual owners at any one time.
 3. Exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers

4. Maintenance of private streets, detention ponds, common areas and entrance features.
 5. Off-street parking: See ARTICLE 6 .
 6. Required buffers: See ARTICLE 12
 7. Sign regulations: See ARTICLE 7
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Sec. 4-120. Dwelling, Single-family Attached (Fee Simple or Condominium Townhouse).

Townhouses, whether fee simple or condominium shall meet the following requirements, as applicable: (a) **Minimum lot frontage.** Each platted lot for a fee-simple townhouse shall have a minimum of 20 feet of frontage on a public street or private road that meets public street standards of the City of Powder Springs.

(b) **Minimum lot size.** The minimum lot size for a fee-simple townhouse lot, except in the RSL district (Sec. 2-15), shall be 2,000 square feet, with an overall average a minimum of 2,400 square feet for the townhouse development.

(c) **Setback.** Zero lot line between fee-simple units within the same building shall be permitted, subject to applicable fire and building codes.

(d) **Units in building.** To avoid a monotonous appearance, for any given building, no more than eight units may have common walls.

(e) **Staggered front facades.** Any building containing more than 3 units with common walls must have the roof and front building wall (façade) of each attached unit distinct from the other through offsets of three feet or more in roof design and front building wall location.

(f) **Building separation.** Buildings in townhouse developments shall be separated by a distance of at least 10 feet.

(g) **Access to rear required.** Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for fire-fighting purposes.

(h) **Open space.** No less than 20 percent of the gross site area of a townhouse development must be set aside as open space approved by the community development director.

(i) **Plat approval.** Each fee simple townhouse development or phase thereof shall require subdivision plat approval in accordance with article 15 of this development code.

(j) **Condominium ownership.** If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the community development director with the application for development approval.